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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF ARIZONA

9 In re:

10 24-mc-00004 JGZ

11 Non-Judicial Civil Forfeiture Proceeding
12 involving the seizure of \$16,758 in United
13 States currency and Mexican Pesos valued
at \$349.51.

14
15 UNITED STATES' EX PARTE
AMENDED MOTION TO EXTEND
TIME TO FILE COMPLAINT FOR
FORFEITURE AND/OR TO OBTAIN
INDICTMENT ALLEGING
FORFEITURE

16 The United States of America, by and through its undersigned attorneys, hereby
17 moves for an Order to extend the time by 60 days in which the United States is required to
file a complaint for forfeiture against the property and/or to obtain an indictment alleging
18 that the property is subject to forfeiture.

19 On July 23, 2023, Customs and Border Protection ("CBP") agents seized \$16,758 in
20 United States currency and Mexican Pesos valued at \$349.51 at the time of the seizure
21 ("seized assets"). Notice of administrative forfeiture was subsequently sent out as required
22 by 18 U.S.C. § 983(a)(1)(A) to all known interested parties.

23 On October 6, 2023, CBP published the seized assets on an official internet
24 government website (www.forfeiture.gov).

25 On October 16, 2023, Miguel Angel Genis Aguirre filed a petition with CBP.

26 On October 27, 2023, the law firm of Motley Rice, LLC ("Claimants") filed a claim
27 as to the seized assets. Motley Rice, LLC currently represent Plaintiffs in the civil action,

Howard J. Miller, et al., v. Juarez Cartel, Civil Action No. 1:20-cv-132, United States District Court for the District of North Dakota.

The law firms of Mitchell & Mitchell, LLC and Motley Rice, LLC have filed approximately 700 claims in the non-judicial civil forfeiture proceedings initiated by the Drug Enforcement Administration and Customs and Border Protection. Mitchell & Mitchell, LLC and Motley Rice, LLC have also agreed to this 60-day extension.

As provided in Title 18, United States Code, Section 983(a)(3)(A), the Government desires to extend the time by 60 days in which the United States is required to file a complaint for forfeiture against the seized assets and/or obtain an indictment alleging that the property is subject to forfeiture. The Government and Claimants are attempting to resolve this matter before the Government needs to file a judicial action for forfeiture against the seized assets. The current 90-day deadline in which to file a complaint for forfeiture is January 25, 2024.

The government requests the new deadline by which the United States shall be required to file a complaint for forfeiture against the property and/or to obtain an indictment alleging that the property is subject to forfeiture shall be extended to March 25, 2024.

Until the United States files a complaint for forfeiture against the property and/or obtains an indictment alleging that the property is subject to forfeiture, or until March 25, 2024, whichever occurs first, the property shall remain in the custody of the United States.

Respectfully submitted this 10th day of January, 2024.

GARY M. RESTAINO
United States Attorney
District of Arizona

s/ Matthew G. Eltringham
MATTHEW G. ELTRINGHAM
Assistant United States Attorney